

EXHIBIT 10

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

HEADWATER RESEARCH, LLC., (CAUSE NO. 22:2-CV-422-JRG
)
Plaintiff, ()
vs. ()
SAMSUNG ELECTRONICS CO., LTD., ()
et al., () MARSHALL, TEXAS
(JANUARY 16, 2025
Defendants.) 8:30 A.M.

VOLUME 4

TRIAL ON THE MERITS

BEFORE THE HONORABLE RODNEY GILSTRAP
UNITED STATES CHIEF DISTRICT JUDGE
and a jury

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1 dependent claim.

2 Now, several times in these instructions I have or I will
3 refer to a person of ordinary skill in the field of the
08:47 4 invention, or a person of ordinary skill in the art. In
5 deciding the level of ordinary skill in the field, you should
6 consider all the evidence introduced at the trial, including
7 but not limited to: The levels of education and experience of
8 the inventor and other persons actively working in the field;
9 the types of problems encountered in the field; previous
10 solutions to those problems; the rapidity with which
11 innovations are made; and the sophistication of the
12 technology.

08:48 13 A person of ordinary skill in the art at the time of the
14 invention would have had a Bachelor's degree in electrical
15 engineering, computer science, or a comparable field of study,
16 and at least two or three years of professional experience in
17 mobile wireless communication devices or wireless digital
18 communication systems, or other similarly relevant industry
08:48 19 experience. And additional relevant industry experience may
20 compensate for a lack of formal education and vice versa.

21 I'll now instruct you on how to determine whether or not
22 Headwater has proven that Samsung has infringed any of the
23 asserted claims of the '976 Patent.

24 If a person or a corporation makes, uses, sells, or
25 offers for sale within the United States, or imports into the

08:49 1 United States what is covered by a patent claim without the
2 patent owner's permission, that person or corporation is said
3 to infringe the patent.

4 In reaching your decision on infringement, keep in mind
5 only the claims of the patent can be infringed, and you must
6 compare the asserted claims to the accused products to
7 determine whether or not there is infringement. And, ladies
8 and gentlemen, this is the only correct comparison--comparing
08:49 9 the language of the asserted claims to the features of the
10 accused products.

11 You should not compare the accused products with any
12 specific examples set out in the '976 Patent, ItsOn software,
13 or the prior art in reaching your decision on infringement.
14 In deciding infringement, again, the only correct comparison
15 is between the accused products and the limitations or
16 elements of the asserted claims.

08:50 17 You must determine whether or not there is infringement
18 separately for each asserted claim. However, if you find that
19 an independent claim is not infringed, there cannot be
20 infringement of any dependent claim that refers to or depends
21 from that independent claim.

22 On the other hand, if you find that an independent claim
23 has been infringed, you must still separately decide whether
24 the accused products meet the additional requirements of any
08:50 25 claims that depend from or refer to that independent claim.